

APPENDIX II

TAB E

**FEDERAL RULE OF CIVIL PROCEDURE 26
DISCLOSURE OF EXPERT TESTIMONY
DICK M. CARPENTER II, Ph.D.**

Case: *Tammy Kitzmiller, et al. v. Dover Area School District and Dover Area School District Board of Directors*

Case No. 04-CV-2688

Expert's Background and Experience:

As an assistant professor of educational leadership, research, and foundations, I research, write, and teach in the areas of school leadership, politics, policy, and research. My students are typically schoolteachers pursuing graduate degrees for further education and salary advancement and/or credentials that will enable them to assume roles as school principals, superintendents, or counselors.

My leadership courses routinely consider school practices and procedures, educational reform and improvement, and policy creation, implementation, and analysis in multiple domains, including national, state, and local levels. While my research classes evidence some overlap with the leadership classes, the former seek to instill in students facility with multiple research methods in school settings and the ability to think critically about research. To make the course as applied as possible, course content, assignments, and labs focus on research and implications surrounding curricula, policies, and practices.

Attached to this report as Exhibit A is a copy of my curriculum vitae.

- I. **The following includes a complete statement of my opinions to be expressed, the reasons and basis underlying them, and the data and other information considered in forming them.**

Secular pedagogical reasons for referencing the questions surrounding evolution.

Evaluating a policy involves, in part, examining purposes and incentives. As such, the evaluation begins with questions like: What ends does a particular policy seek to create? What behavior does the policy incentive? The policy adopted by the Dover School Board appears to answer questions like these in at least six ways.

First, the curricular changes contained within this policy raise student awareness about multiple ways of knowing. At the most fundamental level, all research, whether in the social or the natural sciences, seeks to describe reality. As such, researchers attempt to discover or discern the origins of various phenomena, the actions and interactions of objects, creatures, or people within various settings, and/or the meanings inherent within different phenomena.

In this search for knowledge, scientists examine and interpret reality from divergent perspectives. Some are Logical Empiricists, others are Positivists, and still others may be Rationalists, Philosophical Hermeneuticists, or Post Empiricists. These epistemological differences mean researchers may examine the same phenomenon but describe the reality in different ways.

Consistent with this, the policy under question introduces students to the idea of multiple ways of knowing about the development of the natural world. As the scientific literature and the expert witnesses in this case demonstrate, scientists draw different conclusions about this development. The present curricular change introduces students to this fact of epistemological differences.

Second, contemporary pedagogy across many disciplines establishes critical thinking as a goal for students. Warnick and Inch (1994) define it as "the ability to explore a problem, question, or situation; integrate all the available information about it; arrive at a solution or hypothesis; and justify one's position" (p. 11). As such, it examines assumptions, discerns hidden values, evaluates evidence, and assesses conclusions (Myers, 2003).

Petress (1998) provides a workable framework with which to teach others to think critically:

- Sufficiency - is there an adequate amount of support for claims?
- Relevance - is the evidence presented pertinent to the issue at hand?
- Reliability - does the support for arguments have a good track record? Does evidence relied upon emanate from expert sources?
- Consistency - are supporting elements internally and externally consistent with each other and with what we know from other experiences, observations, and sources?
- Recency - is offered support current rather than being out-of-date?
- Access - are supporting materials open for receivers' verification? Are secret or anonymous sources avoided?
- Objectivity - are supporting materials fair and undistorted? Does support originate from expert sources?

And like any skill, critical thinking must be taught. Students must be initially guided through the process of critical thinking—what it is and how it is accomplished—until they internalize and habituate the skill.

The policy under question contributes to the teaching of critical thinking, as defined above, by drawing students' attention to the theoretical nature of evolution, encouraging students to examine it critically, and instructing students in the process of gathering further information. By promoting the process of critical thinking in learning, the policy advances an important and legitimate pedagogical goal.

Third, consistent with the work of pedagogues such as Dewey (1971), Vytgosky (1978), and others, the contested policy encourages students to assume more responsibility in their learning and play an active part in constructing their own knowledge. As Scheurman (1998) describes, a good education includes the development of a deep understanding of problems and procedures and rigorously defensible beliefs about important issues. He concludes:

This developmental process is enhanced when students learn to view problems and issues from different angles and to identify multiple perspectives within the field of study. Ultimately, knowledge is constructed when students form their own interpretations of evidence submitted to them for review. (p. 6)

By raising student awareness about possible gaps and problems and directing them to additional theories and references, the Dover schools actively fulfill this definition of good pedagogy. Moreover, raising student awareness about gaps and problems provides an opportunity and catalyst for open critical discussion around the controversy in the scientific community.

Fourth, drawing students' attention to weaknesses, gaps, and problems in evolutionary theory is a simple matter of accuracy—a basic premise of any instruction. The course text itself acknowledges the controversy surrounding evolution under a section entitled, "Strengths and Weaknesses of Evolutionary Theory." The Dover Board's policy simply seeks to ensure that students have a fuller understanding of evolutionary theory, including its limitations.

Fifth, the statement under question is, in fact, aligned with the Pennsylvania state standards. Under the Academic Standards for Science and Technology, number 3.2.12A (Inquiry and Design) requires that students be taught to, "Critically evaluate the status of existing theories (e.g., germ theory of disease, wave theory of light, classification of subatomic particles, theory of evolution, epidemiology of aids)" (Pennsylvania State Board of Education, 2002, p. 12). A well-formed critical evaluation of the status of the theory of evolution would be incomplete without reference to current discussion surrounding weaknesses, gaps, and problems.

Finally, as a public school operating under the No Child Left Behind Act of 2001, the Dover Public Schools have acted in accordance with the Santorum Amendment. As adopted by the United States Senate, the Santorum Amendment states that, among other things, schools should help students understand the views inherent in controversial issues, such as biological evolution. The Dover policy seeks to fulfill this direction.

Pedagogical reasons for including the statement in a biology curriculum.

It is rather self-evident that if students are to be taught about gaps, problems, or questions concerning evolution, that instruction should occur in a biology class during lessons in which evolution is discussed. Similarly, the biology classroom is the natural venue in which to make students aware of alternative scientific theories of evolution,

such as intelligent design. Finally, the issues surrounding the theories of evolution and intelligent design are debated in the science community; therefore it is properly included as part of the science curriculum.

Pedagogical reasons for including the statement in the 9th grade biology curriculum at Dover High School.

Based on the scope and sequence of Pennsylvania state standards and assessments, to which Dover High School naturally aligned its curriculum, students learn about evolution in the 9th grade biology course. Consistent with the aforementioned reasons for including the statement in a biology course, the statement under question is thus included.

In conclusion, teaching problems and gaps in the theory of evolution, making students aware of alternative theories, such as intelligent design, and making resources available to students to pursue independent inquiry promotes legitimate pedagogical and educational goals, and therefore enhances student learning.

In addition to the references cited in this report, I also reviewed a copy of the complaint, the answer, the Pennsylvania Academic Standards for Science and Technology, excerpts from the textbook *Biology* by Miller & Levine, and the expert report of Dr. Michael J. Behe.

References

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- Warnick, B., & Inch, E. (1994). *Critical thinking and communication*. New York: Macmillan.

- II. My qualifications as an expert witness are included in my curriculum vitae, which is attached to this report as Exhibit A, and in my experience and background outlined in this report.

III. The compensation I will receive for my study, case preparation, and testimony in this matter is \$75.00 per hour. All travel expenses will be billed at cost.

IV. I have testified as an expert at trial or by deposition within the preceding four years in the following case:

Hansen v. Ann Arbor Public Schools, 293 F.Supp.2d 780 (E.D. Mich. 2003)

Signed:  Date: MARCH 24, 2005

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Vita

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EDUCATION

Ph.D., University of Colorado, Denver	2001
Educational Leadership and Innovation	
Dissertation: Presidential Leadership in Education: Rhetoric or Reality	
MA, University of Colorado, Colorado Springs	1997
Educational Leadership	
Thesis: Charter schools: Elitism or democracy	
BME, University of Colorado, Boulder	1991
Music Education	

PROFESSIONAL EXPERIENCE

Assistant Professor of Educational Leadership	2002 to Present
<i>University of Colorado</i>	Colorado Springs, CO

Teach graduate courses in research and statistics, leadership, policy, and communication.
Research areas include educational policy, leadership, communication, and the U.S.
Presidency.

Education Policy Analyst	2000 to 2002
<i>Focus on the Family</i>	Colorado Springs, CO

Analyzed policy at national, state, and local levels. Researched and wrote on education issues. Worked with elected officials and other policy groups to craft or influence legislation. Represented Focus on the Family at conferences and to various media. Managed the education policy area.

EXHIBIT

A

Adjunct Professor
Colorado Christian University

1997 to Present
Colorado Springs, CO

Professor of Education in the Master of Arts in Curriculum and Instruction program.
Emphasis in technology, higher education, and assessment. Advise and mentor students
in thesis/practicum projects.

Assistant to the Vice Chancellor for Academic Affairs
University of Colorado

1998 to 2000
Colorado Springs, CO

Assisted the Vice Chancellor in providing leadership to an urban research university.
Coordinated special projects. Represented the Vice Chancellor on committees.
Webmaster for Office of the Vice Chancellor and the Graduate School.

School Administrator
Cheyenne Mountain Charter Academy

1996 to 1998
Colorado Springs, CO

Provided leadership in all aspects of school life. Supervised a staff of 35. Managed a 1.5
million dollar budget. Coordinated curriculum and student services. Directed growth and
maintenance of a 10 million dollar facility.

Teacher
Cheyenne Mountain High School

1991-1996
Colorado Springs, CO

Taught Concert Band, Jazz Band, Music Theory, Pep Band, Jazz History, and Film
History.

RELATED EXPERIENCES

Freelance Professional Musician
Percussionist

1986 to Present

Experiences with:

Colorado Springs Symphony Orchestra, Colorado Springs Philharmonic Orchestra,
Colorado Opera, Boulder Philharmonic Orchestra, Colorado Shakespeare in the
Park Festival, Various civic groups and churches.

Private percussion instructor. Instructing percussionists from beginners through
college undergraduates.

PUBLICATIONS (peer reviewed)

- Carpenter, D. M., Crawford, M., & Walden, R. (Under Review). Testing the efficacy of team teaching. Journal of Excellence in College Teaching.
- Carpenter, D., & Ramirez, A. (Under Review). Gap or gaps: Challenging the singular definition of the achievement gap. Harvard Education Review.
- Crawford, M., Carpenter, D. M., & Tindal, G. (Under Review). Exploring the validity of the Oregon extended writing assessment. Journal of Special Education.
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- Ramirez, A., & Carpenter, D. M. (Forthcoming). Challenging assumptions about the achievement gap. Phi Delta Kappan.
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23(8), 12-13.

OP-EDS AND COMMENTARIES

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PRESENTATIONS (peer reviewed)

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Carpenter, D. (2002, March 27-30). The education president? How Ronald Reagan redefined the "Education President." Paper presented at the National Conference on the Reagan Presidency, Santa Barbara, CA.

Carpenter, D. (2001, November 17-18). A captive audience. Paper presented at the annual NARTH conference, Washington, DC.

Carpenter, D., Orman, P., Guzman, N., & Muth, R. (2000, November 3-5). Developing a campus-wide shared vision: Colorado's TLE initiative. Paper presented at the University Council for Educational Administration, Albuquerque, NM.

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Chicago Tribune, Chicago, IL, (2001). July 27.
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The Christian Perspective, Douglas, GA, (2001). July 9.
 Freedom Forum, (2001). July 8.
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Christianity Times, Washington, DC, (2001). July 6.
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 WYLL-AM, Chicago, IL, (2001). July 6.
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RA Today, Washington, DC, (2001). July 4.
 Citizenlink.org, Colorado Springs, CO, (2001). July 4.
Washington Times, Washington, DC, (2001). July 3.
 KBJF-FM, Jacksonville, TX, (2001). July 3.
 American Family Radio, Tupelo, MS, (2001). July 3.
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NEA Today, Washington, DC, (2001). July 3.
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 KKLA-FM, Los Angeles, CA, (2001). July 3.
 KSLR-FM, San Antonio, TX, (2001). June 30.
 KKMS-FM, Minneapolis, MN, (2001). June 29.
 Talk America Radio Network, (2001). June 28.
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 Family News in Focus, Colorado Springs, CO, (2001). June 26.
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 Pro-Family News, Minneapolis, MN, (2001). March.
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 Family News in Focus, Colorado Springs, CO, (2001). February 23.
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 Family News in Focus, Colorado Springs, CO, (2001). February 5.
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 Family News in Focus, Colorado Springs, CO, (2001). January 23.
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Family News in Focus, Colorado Springs, CO, (2000). November 28.
Congressional Quarterly, Washington, DC, (2000). November 20.
Family News in Focus, Colorado Springs, CO, (2000). November 15.
Family News in Focus, Colorado Springs, CO, (2000). October 26.
Family News in Focus, Colorado Springs, CO, (2000). October 12.
Family News in Focus, Colorado Springs, CO, (2000). October 6.
WDCX-TV Flint, MI, (2000). October 10.
Saturday Oklahoman, Oklahoma City, OK, (2000). September 30.
Baltimore Sun, Baltimore, MD, (2000). September 27.
WKRC-FM, Cincinnati, OH, (2000). September 27.
Voice of America, Washington, DC, (2000). September 27.
Family News in Focus, Colorado Springs, CO, (2000). September 27.
Bryan/College Station Eagle, College Station, TX, (2000). September 26.
Salem Radio Network, Dallas, TX, (2000). September 26.
KSLR-FM, San Antonio, TX, (2000). September 26.
American Family Radio, Tupelo, MS, (2000). September 25.
USA Radio Network, Dallas, TX, (2000). September 25.
Family News in Focus, Colorado Springs, CO, (2000). September 8.
Springs Magazine, Colorado Springs, CO, (2000). August 10.
Family News in Focus, Colorado Springs, CO, (2000). July 31.
Colorado Springs Gazette, Colorado Springs, CO, (2000). July 25.
Family News in Focus, Colorado Springs, CO, (2000). July 19.
York Dispatch, York, PA, (2000). July 11.
Family News in Focus, Colorado Springs, CO, (2000). June 22.

RADIO COMMENTARIES

The Education Gender Gap, January 22, 2005, Family News in Focus.
What Christmas Means to Me, December 4, 2004, Family News in Focus.
Defending the Electoral College, November 27, 2004, Family News in Focus.
A Historical Look at Negative Campaigning, October 23, 2004, Family News in Focus.
A Sentiment Whose Time has Come, September 18, 2004, Family News in Focus.
Shakespeare vs. Shakur, August 28, 2004, Family News in Focus.
Got Integrity?, August 7, 2004, Family News in Focus.
A Leader's Sunset, June 12, 2004, Family News in Focus.
The End of the World is Near, May 22, 2004, Family News in Focus.
Turn off Your Television Week, April 17, 2004, Family News in Focus.

Sadder but Wiser, March 27, 2004. Family News in Focus.

A Little Perspective...Please, February 28, 2004. Family News in Focus.

For Those Who Don't Get It..., January 24, 2004. Family News in Focus.

Good News About the Wrong Way, December 13, 2003. Family News in Focus.

I'll Sue, August 3, 2002. Family News in Focus.

A Lesson in Competition, July 20, 2002. Family News in Focus.

The Definition of Gender, June 22, 2002. Family News in Focus.

Discrimination Ironies, April 27, 2002. Family News in Focus.

World History According to College Students, February 23, 2002. Family News in Focus.

The Unintended Consequences of Coed Rooms, January 4, 2002. Family News in Focus.

The Myth of the Well-Rounded Student, November 3, 2001. Family News in Focus.

Doing' the Right Thing, October 13, 2001. Family News in Focus.

Censor and Sensibility, September 22, 2001. Family News in Focus.

Feedin' at the Trough, September 1, 2001. Family News in Focus.

Half-truths and the NEA, July 2, 2001. Family News in Focus.

The Summer School Sentence, June 1, 2001. Family News in Focus.

Everybody Likes Awards Shows, April 14, 2001. Family News in Focus.

The Fuzzy Math in American Textbooks, January 27, 2001. Family News in Focus.

The National Education Association vs. Parents, December 16, 2000. Family News in Focus.

Banned Books, October 14, 2000. Family News in Focus.

LEGISLATIVE TESTIMONY

February 6, 2001: Testimony on "Easy Access Scholarship for Youth" Senate Bill 64.
Colorado Senate Education Committee.

MUSIC PUBLICATIONS

Carpenter, D. M., (1997). Breathe on me, breath of God. Eugene: Matrix.

GRANTS

Thomas B. Fordham Foundation Research Grant, 2004, \$100,000, Principal Investigator

University of Colorado Faculty Partnership Grant, 2004, \$4000

University of Colorado Committee on Race, Diversity, and Gender, 2004, \$250

University of Colorado Committee on Research and Creative Works, 2003, \$5,000

Colorado Department of Education Charter School Grant, 1997, Co-author, \$32,000

Broadmoor Partnership in Education Grant, 1996, \$4,000

COMMUNITY SERVICE

Colorado Springs Youth Symphony Association, Board of Directors, 2004 to Present.

University of Colorado, College of Education Advisory Board, 2001 to 2002

UNIVERSITY SERVICE

Center for Colorado Policy Studies, Editorial Board, 2003 to 2004

University of Colorado Benefits Committee, 2003 to Present

College of Education Assessment Committee, 2003 to Present

College of Education Curriculum Committee, 2002 to Present

College of Education Doctoral Committee, 2002 to 2003

College of Education Technology Committee, 2002 to Present

Department of Counseling and Leadership Search Committee, 2002 to 2003

Department of Leadership, Research, and Foundations Search Committee, 2002 to Present

College of Education Dean's Search Committee, 2004-2005

Chancellor's Leadership Class, 1999-2000

Facilitator, 50 Years of Innovation in Undergraduate Education Committee, 1999

Continuing Education Program Review Committee, 1998-1999, Committee Secretary

Dean's Review Committee, 1998-1999, Committee Secretary

Assistant Vice Chancellor for Academic and Multicultural Affairs Search Committee, 1998-1999, Committee Secretary

Coordinator, UCCS HERI Survey, 1998

PROFESSIONAL SERVICE

The University Model School, Arlington, TX. Educational consultant. 2002.

Ethics and Public Policy Center, Washington, DC. Consultant for school curriculum. 2001.

Colorado Department of Education, Denver, CO. Consultant for CSAP. 2001.

PROFESSIONAL CONSULTATION

Chariot Victor Publishing, Colorado Springs, CO. Musical consultant and arranger. 1998

Colorado Springs Symphony Orchestra. Educational consultant for symphony/public school partnership: 1995-1996.

HONORS AND AWARDS

Named in Who's Who of America's Graduate Students, 2000

Named in Who's Who of America's Teachers, 1999, 1998, 1997, 1995, 1994

Elected into Pi Kappa Lambda, National Music Honor Society, 1991

PROFESSIONAL AFFILIATIONS

American Educational Research Association, 1999 to Present

Center for the Study of the Presidency, 1999 to Present

American Federation of Musicians, 1994 to Present

Colorado Association of Professors of School Administration, 2002 to Present

Northern Rocky Mountain Educational Research Association, 2003 to Present